

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 7193 of 2007(F)

PETITIONER:

**C.ABDUL NAZAR, S/O.KUNJAHAMMEDKUTTY,
NO.11/6-4, CHAKKINGAL HOUSE, KUNTHIPUZHA,
MANNARKKAD, PALAKKAD.**

**BY ADV. SRI.P.V.JAYACHANDRAN
SMT.KEERTHI SOLOMON**

RESPONDENTS:

- 1. REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD.**

BY GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR,J.

WP(C)NO.7193 OF 2007-F

Judgment

The petitioner has approached this Court, challenging Ext.P2 decision of the RTA dated 21.08.2006. Against the said order, he should have filed an appeal under Section 89(1)(b) of the Motor Vehicles Act before the STAT. But, without doing that, he is challenging the order before this Court. So, the Writ Petition is not maintainable. But, the learned counsel for the petitioner points out that the time limit for filing the appeal is over and the tribunal has no power to condone the delay in filing the appeal. I think, it is not a ground available to challenge Ext.P2. If the petitioner does not file Ext.P2 within the time limit prescribed for filing the appeal, the said order gains statutory finality and therefore, the challenge against it cannot be entertained under Article 226 of the Constitution of India. Further, if the petitioner's contention is accepted, every stage carriage operator aggrieved by the decision of the RTA can wait till the time limit for filing the appeal is over and thereafter, make a frog leap to this Court. The same cannot be permitted. In the result, the Writ Petition fails and it is dismissed.

05.03.2007

K.BALAKRISHNAN NAIR,JUDGE

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